

5:42 pm, Jul 02 2021

Mch HRW: USAO 2021R00397

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY TTS Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

JOHN LEE KELLEY, JR.,

Defendant

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* CASE NO.

21-mj-1971-CBD

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AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Jason Stack, a Lieutenant Colonel (“Lt. Col.”) with the Joint Base Andrews Police, being duly sworn, depose and state as follows:

1. I am employed as an Investigative or Law Enforcement Officer, within the meaning of 18 U.S.C. § 2510(7), that is, a Lt. Col. with the Joint Base Andrews Police on Joint Base Andrews in Prince George’s County, Maryland. I am empowered by law to conduct investigation of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516. This affidavit is in support of a criminal complaint charging **JOHN LEE KELLEY, JR. (“KELLEY”)** with felony assault on a law enforcement officer, in violation of 18 U.S.C. § 111, and military trespass, in violation of 18 U.S.C. § 1382.

2. This affidavit is intended to show that there is sufficient probable cause for the requested complaint. This affidavit does not purport to set forth all my knowledge or all investigation information in this matter. The facts set forth in this affidavit are based upon information obtained from investigative reports, interviews, and debriefings with other law enforcement officers and witnesses. The facts set forth in this affidavit are also based upon my

participation in this investigation, including my personal knowledge, observations, training, and experience.

PROBABLE CAUSE

3. On July 1, 2021, at approximately 1:40 p.m., a teal in color pickup truck (the “Truck”) approached the main installation gate of Andrews Air Force Base in Prince George’s County, Maryland. Instead of stopping at the main installation gate, the Truck sped through the gate playing loud music. Sergeant Seguin, who was posted at the installation gate, activated a physical barrier to stop the Truck from further entering Andrews Air Force Base and called out on her radio “gate runner, gate runner, gate runner.” Once the physical barrier was activated, other vehicles, including the Truck were stopped from furthering entering Andrews Air Force Base.

4. Law enforcement officers approached the Truck once the physical barriers were activated. The driver of the Truck, who was later identified as **KELLEY**, exited the Truck with his hands in the air. **KELLEY** then began rotating in circles and appeared to be dancing next to the Truck. A few minutes later, **KELLEY** re-entered the Truck, rolled up his window, and put the Truck into drive. Law enforcement began yelling at **KELLEY** to stop the Truck, but **KELLEY** drove the Truck a few more feet until law enforcement opened the driver’s side door of the Truck, placed the Truck into park, and tried to pull **KELLEY** from the Truck.

5. Sergeant Edwards, Sergeant Pearson, and Senior Airman Ali all attempted to pull **KELLEY** from the Truck. While Sergeant Edwards, Sergeant Pearson, and Senior Airman Ali were attempting to pull **KELLEY** from the Truck, **KELLEY** was kicking and spitting on them. **KELLEY** also hit them with his head. Eventually, Sergeant Edwards, Sergeant Pearson, and Senior Airman Ali were able to pull **KELLEY** out from the Truck. **KELLEY** continued to resist while law enforcement tried to search him and place handcuffs on him. Law enforcement then put

KELLEY on the ground to get him into custody. While **KELLEY** was on the ground, **KELLEY** continued to actively resist his arrest by locking his hands under his body. Law enforcement was able to get **KELLEY** into handcuffs.

6. At all relevant times discussed in this affidavit, the main installation gate of Andrews Air Force Base is on the federal military installation of Andrews Air Force Base, and was within the jurisdiction of the United States.

7. At all relevant times, Sergeant Edwards, Sergeant Pearson, and Senior Airman Ali were officers or employees of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services), as provided in 18 U.S.C. §§ 111 and 1114.

CONCLUSION

8. Based upon the foregoing facts and circumstances, your affiant submits that there is probable cause to believe that **KELLEY** did knowingly, willfully, and unlawfully commit an assault a law enforcement officer, in violation of 18 U.S.C. § 111, and a military trespass, in violation of 18 U.S.C. § 1382.

Lt. Col. Jason Stack

Jason Stack
Lieutenant Colonel
Joint Base Andrews Police

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 2nd day of July 2021.

Charles B. Day
THE HONORABLE CHARLES B. DAY
UNITED STATES MAGISTRATE JUDGE